

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**FEDERAL NATIONAL MORTGAGE
ASSOCIATION,**

Plaintiff,

v.

ZACHARY THOMAS TETER,

Defendant.

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**Civil Action No.9:22-cv-00070
JUDGE MICHAEL J. TRUNCALE**

MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANT

Plaintiff Federal National Mortgage Association (“Plaintiff”) files this Motion for Default Judgment Against Defendant Zachary Thomas Teter (“Defendant”) and shows as follows:

I.

1. Plaintiff filed its *Original Complaint* (“Complaint”) in this action on April 21, 2022 seeking declarations regarding the legal descriptions of certain real property and improvements. (ECF No. 1.)

2. Defendant was personally served with Summons and a copy of the Original Complaint at 2943 W. Harold CT, Visalia, CA 93291 on May 4, 2022. (ECF No. 4.)

3. Defendant’s answer or other response to the Complaint was due on or before May 25, 2022. (*See id.*; FED. R. CIV. P. 12.)

4. To date, Defendant has not answered or otherwise appeared in this action, nor has he otherwise attempted to defend against the claims against him. *See* FED. R. CIV. P. 55.

5. Plaintiff requests the clerk enter default against Defendant because he did not file a timely responsive pleading after issuance of summons and service of the Original Complaint.

6. Plaintiff is simultaneously requesting the Clerk enter *default* against Defendant because he did not file a timely responsive pleading after service of Summons and the Original Complaint.

7. Plaintiff meets the requirements for obtaining a default judgment as demonstrated by the Declaration of Mark D. Cronenwett attached hereto as Exhibit A and incorporated by reference for all purposes.

8. Defendant is not on active-duty military status. (*See* Exhibits A, A-1.)

II.

9. The Court should render a default judgment against Defendant because he did not file a responsive pleading or otherwise defend the claims against him. Such default constitutes an admission by such defendant of all allegations in the Original Complaint. Thus, Plaintiff is entitled to a default judgment on liability and damages. Plaintiff does not seek monetary damages, but instead seeks certain declarations regarding the subject real property. Therefore, no hearing is necessary to establish the amount of damages.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court:

- a. enter default judgment against Defendant Zachary Thomas Teter on all claims against him in the Original Complaint;
- b. declare that the Deed of Trust encumbered the entire 10.00-Acre Tract (as defined in the Original Complaint);
- c. reform the deeds and instruments of record to include the full legal description as set forth in the Original Complaint; and
- d. grant Plaintiff all other relief, in law and in equity, to which it is entitled.

Respectfully submitted,

By: /s/ Mark D. Cronenwett
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that on September 22, 2022, a true and correct copy of the foregoing document was delivered via certified U.S. mail, postage prepaid, to the party listed below:

Via Certified Mail – RRR: 9314 7699 0430 0099 8137 00

Zachary Thomas Teter
2943 W. Harold Ct.
Visalia, CA 93921

/s/ Mark D. Cronenwett
MARK D. CRONENWETT